



Montana Legislative History

Chapter: 321 Session L: 2023

Bill Number: SB 107

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	NA
Third Reading Bill	X
Final Version of Bill	X

House

Committee:
Business and
Labor

Hearing Date(s):

[Feb. 14, 2023](#)

[March 17, 2023](#)

(EA)

Senate

Committee: Business, Labor and Economic
Affairs

Hearing Date(s):

[Jan. 10, 2023](#)

[Jan 12, 2023](#) (EA)

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by:

Date:

Notes:

Bill Draft Number: LC0749

Bill Type - Number: SB 107

Short Title: Revising laws relating to civil liability for injuries involving alcohol

Primary Sponsor: Steve Fitzpatrick (R) SD 10

Chapter Number: 321

Bill Actions - Current Bill Progress: Became Law

Bill Action Count: 46

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	05/02/2023			
(S) Signed by Governor	05/01/2023			
(S) Transmitted to Governor	04/24/2023			
(H) Signed by Speaker	04/22/2023			
(S) Signed by President	04/19/2023			
(C) Printed - Enrolled Version Available	04/13/2023			
(S) Returned from Enrolling	04/13/2023			
(S) Sent to Enrolling	04/07/2023			
(H) Returned to Senate	04/07/2023			
(H) 3rd Reading Concurred	04/07/2023	59	36	
(H) Scheduled for 3rd Reading	04/07/2023			
(H) 2nd Reading Concurred	04/06/2023	61	39	
(H) Scheduled for 2nd Reading	04/06/2023			
(H) 2nd Reading Pass Consideration	04/04/2023			
(H) Committee Report--Bill Concurred	03/17/2023			(H) Business and Labor
(H) Committee Executive Action--Bill Concurred	03/17/2023	16	3	(H) Business and Labor
(H) Hearing	02/14/2023			(H) Business and Labor
(H) Hearing Canceled	02/07/2023			(H) Business and Labor
(H) First Reading	02/02/2023			
(H) Referred to Committee	02/02/2023			(H) Business and Labor
(S) Transmitted to House	01/20/2023			
(S) 3rd Reading Passed	01/19/2023	32	18	
(S) Scheduled for 3rd Reading	01/19/2023			
(S) 2nd Reading Passed	01/18/2023	33	17	
(S) Scheduled for 2nd Reading	01/18/2023			
(S) Committee Report--Bill Passed	01/13/2023			(S) Business, Labor, and Economic Affairs
(S) Committee Executive Action--Bill Passed	01/12/2023	8	2	(S) Business, Labor, and Economic Affairs
(S) Hearing	01/10/2023			(S) Business, Labor, and Economic Affairs

(S) First Reading	01/04/2023	(S) Business, Labor, and Economic Affairs
(S) Referred to Committee	01/04/2023	
(C) Introduced Bill Text Available Electronically	01/04/2023	
(S) Introduced	01/04/2023	
(C) Draft Delivered to Requester	01/03/2023	
(C) Draft Ready for Delivery	12/29/2022	
(C) Executive Director Final Review	12/28/2022	
(C) Draft Ready for Delivery	12/28/2022	
(C) Draft in Assembly	12/28/2022	
(C) Executive Director Review	12/28/2022	
(C) Bill Draft Text Available Electronically	12/28/2022	
(C) Draft in Final Drafter Review	12/28/2022	
(C) Draft in Input/Proofing	12/28/2022	
(C) Draft to Drafter - Edit Review	12/19/2022	
(C) Draft in Edit	12/16/2022	
(C) Draft in Legal Review	12/15/2022	
(C) Draft to Requester for Review	11/28/2022	
(C) Draft Request Received	10/17/2022	

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Fitzpatrick	Steve
Drafter	Walker	Jameson
Primary Sponsor	Fitzpatrick	Steve

Subjects

Description	Revenue/Approp. Vote Majority Req.	Subject Code
Alcohol and Drugs	Simple	ALC
Civil Procedure	Simple	CIV
Liability (see also: Remedies; Torts)	Simple	LIA

Additional Bill Information

Fiscal Note Probable: No
Preintroduction Required: N
Session Law Ch. Number: 321
DEADLINE
Category: General Bills

Transmittal Date: 03/03/2023

Return (with 2nd house amendments) Date: 04/18/2023

Section Effective Dates

Section(s) Effective Date Date Qualified

All Sections 01-MAY-23

(a) transferring the vehicle or vessel to the beneficiary or a third party before death; or

(b) submitting a new beneficiary designation with an application for certificate of title.

(5) (a) After the death of the owner or last surviving joint owner of a vehicle or vessel subject to a perfected beneficiary designation, the beneficiary may present the proof of death of the owner or joint owners of the vehicle or vessel listed as a beneficiary and identification of the beneficiary to the department, to the county treasurer's office, or to an authorized agent and:

(i) request a replacement title for the vehicle or vessel; or

(ii) effect transfer of the title of the vehicle or vessel as required by 61-3-220.

(b) The beneficiary does not acquire any use, ownership, economic, or other interest in the vehicle or vessel until the beneficiary has filed the documents required by subsection (4) and the department, the county treasurer's office, or an authorized agent has either issued a replacement title or effected the transfer of the title.

(6) This section does not limit the rights of a lienholder whose lien attached to the vehicle or vessel prior to the death of the owner or last surviving joint owner named on the beneficiary designation.

(7) *As used in this section, the following definitions apply:*

(a) *"vehicle" means a vehicle or camper as those terms are defined by 61-1-101, manufactured home as defined by 15-24-201, mobile home as defined by 15-24-201, or other item for which a certificate of title is issued by the department and that have not been considered or declared an improvement to real property pursuant to 15-1-116;*

(b) *"vessel" means a vessel as defined by 61-1-101."*

Approved May 1, 2023

CHAPTER NO. 321

[SB 107]

AN ACT REVISING LAWS RELATING TO CIVIL LIABILITY FOR INJURIES INVOLVING ALCOHOL OVERCONSUMPTION; PROVIDING THAT STATUTORY LAW PRECLUDES A CLAIM UNDER ANY OTHER THEORY OF RECOVERY OR COMMON LAW CLAIM FOR INJURY OR DAMAGES INVOLVING THE ALCOHOL CONSUMER; CLARIFYING LAWS RELATED TO THE SERVING OF ALCOHOL CONSUMERS; PROVIDING CONSIDERATIONS REQUIRED OF A JURY OR TRIER OF FACT; PROHIBITING CERTAIN CONSIDERATIONS BY A JURY OR TRIER OF FACT; REVISING WHO MAY BRING A CIVIL ACTION; REVISING NOTICE REQUIREMENTS; REVISING PUNITIVE DAMAGE CONSIDERATIONS; AMENDING SECTION 27-1-710, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 27-1-710, MCA, is amended to read:

"27-1-710. Civil liability for injuries involving alcohol consumption.

(1) The purpose of this section is to set statutory criteria governing the *civil* liability of a person or entity that furnishes an alcoholic beverage for injury or damage arising from an event involving the person who consumed the beverage.

(2) *Except as provided in this section, a person or entity that furnishes alcoholic beverages may not be found civilly liable under any other statute, theory of recovery, or common law claim for injury or damages arising from an event involving the person who was served or who consumed the beverage.*

~~(2)(3)~~ ~~Except as provided in 16-6-305, a~~ A person or entity furnishing an alcoholic beverage may not be found civilly liable for injury or damage arising from an event involving the consumer wholly or partially on the basis of a licensing status under Title 16 or a provision or a violation of a provision of Title 16.

~~(3)(4)~~ Furnishing a person with an alcoholic beverage is not a cause of, or grounds for finding the furnishing person or entity liable for, injury or damage wholly or partly arising from an event involving the person who consumed the beverage unless:

(a) the consumer was under the legal drinking age and the furnishing person knew that the consumer was underage or did not make a reasonable attempt to determine the consumer's age;

(b) the consumer was visibly intoxicated *when furnished the alcoholic beverage*; or

(c) the furnishing person forced or coerced the consumption or told the consumer that the beverage contained no alcohol.

~~(4)(5)~~ ~~A jury or trier of fact may consider the consumption of an alcoholic beverage in addition to the sale, service, or provision of the alcoholic beverage in~~ In determining the cause of injuries or damages inflicted upon another by the consumer of an alcoholic beverage, *in addition to other admissible evidence, a jury or trier of fact shall consider:*

(a) *the consumption of the alcoholic beverage;*

(b) *the actions of the consumer;*

(c) *the negligence of the person allegedly harmed by the consumer;*

(d) *the visible and audible intoxication indicators actually observed by the person furnishing the alcoholic beverage to the consumer, including but not limited to bloodshot eyes, loud and boisterous behavior, fighting behavior, stumbling, and slurred speech; and*

(e) *independent intervening cause or multiple causes.*

(6) *Because a furnishing person or entity can perceive only visual or audible indicators of intoxication, when determining liability under subsection (4)(b), a jury or trier of fact may not consider:*

(a) *a hypothetical blood alcohol level in any way to impute that the server observed visibly intoxicated behavior of the consumer prior to service;*

(b) *an actual blood alcohol level in any way to impute that the server observed visibly intoxicated behavior of the consumer prior to service;*

(c) *the signs of visible intoxication displayed by the consumer after the furnishing of the alcoholic beverage;*

(d) *the conduct of the furnishing person or entity after the furnishing of the alcoholic beverage; or*

(e) *whether the furnishing person or entity holds special events, alcohol specials, happy hours, or similar events or activities.*

~~(5)(7)~~ A civil action may not be brought pursuant to subsection ~~(3)~~ (4) by:

(a) *a passenger over 18 years of age in the consumer's car or by the passenger's estate, legal guardian, or dependent; or*

(b) the consumer or by the consumer's estate, legal guardian, or dependent unless:

~~(a)~~(i) the consumer was under the legal age and the furnishing person knew or should have known that the consumer was ~~under age~~ *underage*; or

(b)(ii) the furnishing person forced or coerced the consumption or told the consumer that the beverage contained no alcohol while knowing that it did contain alcohol.

(6)(8) A civil action may not be commenced under this section against a person *or entity* who furnished alcohol *to the consumer* unless the person bringing the civil action provides notice of an intent to file the action to the person *or entity* who furnished the alcohol by certified mail within 180 days from the date of sale or service. The civil action must be commenced pursuant to this section within 2 years after the sale or service.

(9) *Notice made pursuant to subsection (8) must include the date, time, and circumstances of the event involving the consumer along with the alleged visual or audible indicators of visible intoxication observed by the furnishing party prior to service to the consumer. The person providing the notice must have a reasonable basis in law and fact that an exception described in subsections (4)(a) through (4)(c) has occurred before sending the notice.*

(7)(10) In any civil action brought pursuant to this section, the total liability for noneconomic damages *for all claimants* may not exceed \$250,000 *for each event*.

(8)(11) In any civil action brought pursuant to this section, the total liability for punitive damages may not exceed \$250,000. *Service to a visibly intoxicated consumer is not enough to assess punitive damages against the person or entity furnishing the alcoholic beverage to the consumer. Conduct must be shown that meets the criteria in 27-1-221.*

(9)(12) Evidence of intentional or criminal activity by a person causing injury in connection with any event or injury commenced pursuant to this part is admissible in any action brought pursuant to this section.”

Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. Effective date. [This act] is effective on passage and approval.

Approved May 1, 2023

CHAPTER NO. 322

[SB 112]

AN ACT REVISING PHARMACIST PRESCRIBING AUTHORITY TO ALLOW THE PRESCRIBING OF CERTAIN DRUGS OR DEVICES UNDER LIMITED CIRCUMSTANCES; PROVIDING DEFINITIONS; AMENDING SECTIONS 37-2-101, 37-2-102, 37-2-103, 37-2-104, 37-2-108, 37-7-101, AND 37-7-103, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Pharmacist prescribing authority – exception. (1) A pharmacist may prescribe a drug or device for a legitimate medical purpose as allowed under this section for a person with whom the pharmacist has a patient-prescriber relationship.

(2) A pharmacist shall establish the patient-prescriber relationship through a documented patient evaluation that is adequate to:

(a) establish diagnoses, if the drug or device is being prescribed pursuant to subsection (3)(b); and

SENATE BILL NO. 107

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO CIVIL LIABILITY FOR INJURIES INVOLVING ALCOHOL OVERCONSUMPTION; PROVIDING THAT STATUTORY LAW PRECLUDES A CLAIM UNDER ANY OTHER THEORY OF RECOVERY OR COMMON LAW CLAIM FOR INJURY OR DAMAGES INVOLVING THE ALCOHOL CONSUMER; CLARIFYING LAWS RELATED TO THE SERVING OF ALCOHOL CONSUMERS; PROVIDING CONSIDERATIONS REQUIRED OF A JURY OR TRIER OF FACT; PROHIBITING CERTAIN CONSIDERATIONS BY A JURY OR TRIER OF FACT; REVISING WHO MAY BRING A CIVIL ACTION; REVISING NOTICE REQUIREMENTS; REVISING PUNITIVE DAMAGE CONSIDERATIONS; AMENDING SECTION 27-1-710, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-1-710, MCA, is amended to read:

"27-1-710. Civil liability for injuries involving alcohol consumption. (1) The purpose of this section is to set statutory criteria governing the civil liability of a person or entity that furnishes an alcoholic beverage for injury or damage arising from an event involving the person who consumed the beverage.

(2) Except as provided in this section, a person or entity that furnishes alcoholic beverages may not be found civilly liable under any other statute, theory of recovery, or common law claim for injury or damages arising from an event involving the person who was served or who consumed the beverage.

~~(2)(3)~~ ~~Except as provided in 16-6-305, a~~ A person or entity furnishing an alcoholic beverage may not be found civilly liable for injury or damage arising from an event involving the consumer wholly or partially on the basis of a licensing status under Title 16 or a provision or a violation of a provision of Title 16.

~~(3)(4)~~ Furnishing a person with an alcoholic beverage is not a cause of, or grounds for finding the furnishing person or entity liable for, injury or damage wholly or partly arising from an event involving the person who consumed the beverage unless:

1 (a) the consumer was under the legal drinking age and the furnishing person knew that the
2 consumer was underage or did not make a reasonable attempt to determine the consumer's age;

3 (b) the consumer was visibly intoxicated when furnished the alcoholic beverage; or

4 (c) the furnishing person forced or coerced the consumption or told the consumer that the
5 beverage contained no alcohol.

6 ~~(4)(5)~~ A jury or trier of fact may consider the consumption of an alcoholic beverage in addition to the
7 sale, service, or provision of the alcoholic beverage in In determining the cause of injuries or damages inflicted
8 ~~upon~~ on another by the consumer of an alcoholic beverage, in addition to other admissible evidence, a jury or
9 trier of fact shall consider:

10 (a) the consumption of the alcoholic beverage;

11 (b) the actions of the consumer;

12 (c) the negligence of the person allegedly harmed by the consumer;

13 (d) the visible and audible intoxication indicators actually observed by the person furnishing the
14 alcoholic beverage to the consumer, including but not limited to bloodshot eyes, loud and boisterous behavior,
15 fighting behavior, stumbling, and slurred speech; and

16 (e) independent intervening cause or multiple causes.

17 (6) Because a furnishing person or entity can perceive only visual or audible indicators of
18 intoxication, when determining liability under subsection (4)(b), a jury or trier of fact may not consider:

19 (a) a hypothetical blood alcohol level in any way to impute that the server observed visibly
20 intoxicated behavior of the consumer prior to service;

21 (b) an actual blood alcohol level in any way to impute that the server observed visibly intoxicated
22 behavior of the consumer prior to service;

23 (c) the signs of visible intoxication displayed by the consumer after the furnishing of the alcoholic
24 beverage;

25 (d) the conduct of the furnishing person or entity after the furnishing of the alcoholic beverage; or

26 (e) whether the furnishing person or entity holds special events, alcohol specials, happy hours, or
27 similar events or activities.

28 ~~(5)(7)~~ A civil action may not be brought pursuant to subsection ~~(3)~~ (4) by:

1 (a) a passenger over 18 years of age in the consumer's car or by the passenger's estate, legal
2 guardian, or dependent; or

3 (b) the consumer or by the consumer's estate, legal guardian, or dependent unless:

4 ~~(a)~~(i) the consumer was under the legal age and the furnishing person knew or should have known
5 that the consumer was ~~under age~~ underage; or

6 ~~(b)~~(ii) the furnishing person forced or coerced the consumption or told the consumer that the
7 beverage contained no alcohol while knowing that it did contain alcohol.

8 ~~(6)~~(8) A civil action may not be commenced under this section against a person or entity who
9 furnished alcohol to the consumer unless the person bringing the civil action provides notice of an intent to file
10 the action to the person or entity who furnished the alcohol by certified mail within 180 days from the date of
11 sale or service. The civil action must be commenced pursuant to this section within 2 years after the sale or
12 service.

13 (9) Notice made pursuant to subsection (8) must include the date, time, and circumstances of the
14 event involving the consumer along with the alleged visual or audible indicators of visible intoxication observed
15 by the furnishing party prior to service to the consumer. The person providing the notice must have a
16 reasonable basis in law and fact that an exception described in subsections (4)(a) through (4)(c) has occurred
17 before sending the notice.

18 ~~(7)~~(10) In any civil action brought pursuant to this section, the total liability for noneconomic damages
19 for all claimants may not exceed \$250,000 for each event.

20 ~~(8)~~(11) In any civil action brought pursuant to this section, the total liability for punitive damages may
21 not exceed \$250,000. Service to a visibly intoxicated consumer is not enough to assess punitive damages
22 against the person or entity furnishing the alcoholic beverage to the consumer. Conduct must be shown that
23 meets the criteria in 27-1-221.

24 ~~(9)~~(12) Evidence of intentional or criminal activity by a person causing injury in connection with any
25 event or injury commenced pursuant to this part is admissible in any action brought pursuant to this section."
26

27 NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured,
28 penalties that were incurred, or proceedings that were begun before [the effective date of this act].



AN ACT REVISING LAWS RELATING TO CIVIL LIABILITY FOR INJURIES INVOLVING ALCOHOL OVERCONSUMPTION; PROVIDING THAT STATUTORY LAW PRECLUDES A CLAIM UNDER ANY OTHER THEORY OF RECOVERY OR COMMON LAW CLAIM FOR INJURY OR DAMAGES INVOLVING THE ALCOHOL CONSUMER; CLARIFYING LAWS RELATED TO THE SERVING OF ALCOHOL CONSUMERS; PROVIDING CONSIDERATIONS REQUIRED OF A JURY OR TRIER OF FACT; PROHIBITING CERTAIN CONSIDERATIONS BY A JURY OR TRIER OF FACT; REVISING WHO MAY BRING A CIVIL ACTION; REVISING NOTICE REQUIREMENTS; REVISING PUNITIVE DAMAGE CONSIDERATIONS; AMENDING SECTION 27-1-710, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-1-710, MCA, is amended to read:

"27-1-710. Civil liability for injuries involving alcohol consumption. (1) The purpose of this section is to set statutory criteria governing the civil liability of a person or entity that furnishes an alcoholic beverage for injury or damage arising from an event involving the person who consumed the beverage.

(2) Except as provided in this section, a person or entity that furnishes alcoholic beverages may not be found civilly liable under any other statute, theory of recovery, or common law claim for injury or damages arising from an event involving the person who was served or who consumed the beverage.

~~(2)(3)~~ ~~Except as provided in 16-6-305, a~~ A person or entity furnishing an alcoholic beverage may not be found civilly liable for injury or damage arising from an event involving the consumer wholly or partially on the basis of a licensing status under Title 16 or a provision or ~~a~~ violation of a provision of Title 16.

~~(3)(4)~~ Furnishing a person with an alcoholic beverage is not a cause of, or grounds for finding the furnishing person or entity liable for, injury or damage wholly or partly arising from an event involving the person who consumed the beverage unless:

- (a) the consumer was under the legal drinking age and the furnishing person knew that the consumer was underage or did not make a reasonable attempt to determine the consumer's age;
- (b) the consumer was visibly intoxicated when furnished the alcoholic beverage; or
- (c) the furnishing person forced or coerced the consumption or told the consumer that the beverage contained no alcohol.

~~(4)(5)~~ A jury or trier of fact may consider the consumption of an alcoholic beverage in addition to the sale, service, or provision of the alcoholic beverage in In determining the cause of injuries or damages inflicted upon another by the consumer of an alcoholic beverage, in addition to other admissible evidence, a jury or trier of fact shall consider:

- (a) the consumption of the alcoholic beverage;
 - (b) the actions of the consumer;
 - (c) the negligence of the person allegedly harmed by the consumer;
 - (d) the visible and audible intoxication indicators actually observed by the person furnishing the alcoholic beverage to the consumer, including but not limited to bloodshot eyes, loud and boisterous behavior, fighting behavior, stumbling, and slurred speech; and
 - (e) independent intervening cause or multiple causes.
- (6) Because a furnishing person or entity can perceive only visual or audible indicators of intoxication, when determining liability under subsection (4)(b), a jury or trier of fact may not consider:
- (a) a hypothetical blood alcohol level in any way to impute that the server observed visibly intoxicated behavior of the consumer prior to service;
 - (b) an actual blood alcohol level in any way to impute that the server observed visibly intoxicated behavior of the consumer prior to service;
 - (c) the signs of visible intoxication displayed by the consumer after the furnishing of the alcoholic beverage;
 - (d) the conduct of the furnishing person or entity after the furnishing of the alcoholic beverage; or
 - (e) whether the furnishing person or entity holds special events, alcohol specials, happy hours, or similar events or activities.

~~(5)(7)~~ A civil action may not be brought pursuant to subsection ~~(3)~~ (4) by:

(a) a passenger over 18 years of age in the consumer's car or by the passenger's estate, legal guardian, or dependent; or

(b) the consumer or by the consumer's estate, legal guardian, or dependent unless:

(a)(i) the consumer was under the legal age and the furnishing person knew or should have known that the consumer was ~~under age~~ underage; or

(b)(ii) the furnishing person forced or coerced the consumption or told the consumer that the beverage contained no alcohol while knowing that it did contain alcohol.

(6)(8) A civil action may not be commenced under this section against a person or entity who furnished alcohol to the consumer unless the person bringing the civil action provides notice of an intent to file the action to the person or entity who furnished the alcohol by certified mail within 180 days from the date of sale or service. The civil action must be commenced pursuant to this section within 2 years after the sale or service.

(9) Notice made pursuant to subsection (8) must include the date, time, and circumstances of the event involving the consumer along with the alleged visual or audible indicators of visible intoxication observed by the furnishing party prior to service to the consumer. The person providing the notice must have a reasonable basis in law and fact that an exception described in subsections (4)(a) through (4)(c) has occurred before sending the notice.

(7)(10) In any civil action brought pursuant to this section, the total liability for noneconomic damages for all claimants may not exceed \$250,000 for each event.

(8)(11) In any civil action brought pursuant to this section, the total liability for punitive damages may not exceed \$250,000. Service to a visibly intoxicated consumer is not enough to assess punitive damages against the person or entity furnishing the alcoholic beverage to the consumer. Conduct must be shown that meets the criteria in 27-1-221.

(9)(12) Evidence of intentional or criminal activity by a person causing injury in connection with any event or injury commenced pursuant to this part is admissible in any action brought pursuant to this section."

Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 107, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 107

INTRODUCED BY S. FITZPATRICK

AN ACT REVISING LAWS RELATING TO CIVIL LIABILITY FOR INJURIES INVOLVING ALCOHOL OVERCONSUMPTION; PROVIDING THAT STATUTORY LAW PRECLUDES A CLAIM UNDER ANY OTHER THEORY OF RECOVERY OR COMMON LAW CLAIM FOR INJURY OR DAMAGES INVOLVING THE ALCOHOL CONSUMER; CLARIFYING LAWS RELATED TO THE SERVING OF ALCOHOL CONSUMERS; PROVIDING CONSIDERATIONS REQUIRED OF A JURY OR TRIER OF FACT; PROHIBITING CERTAIN CONSIDERATIONS BY A JURY OR TRIER OF FACT; REVISING WHO MAY BRING A CIVIL ACTION; REVISING NOTICE REQUIREMENTS; REVISING PUNITIVE DAMAGE CONSIDERATIONS; AMENDING SECTION 27-1-710, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

MINUTES

MONTANA SENATE

68th LEGISLATURE - REGULAR SESSION

COMMITTEE ON (S) BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Sen. Jason Small-R, on January 10, 2023 at 8:32 AM, in 422

ROLL CALL

Members Present: Sen. Jason Small, Chair (R)
Sen. Willis Curdy, Vice Chair (D)
Sen. Mark Noland, Vice Chair (R)
Sen. Steve Fitzpatrick (R)
Sen. Mike Fox (D)
Sen. Bruce Gillespie (R)
Sen. Walt Sales (R)
Sen. Terry Vermeire (R)

Members Excused: Sen. Jason Ellsworth (R)
Sen. Christopher Pope (D)

Staff Present: Daisy Rhodes, Secretary
Erin Sullivan, Attorney

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

SB 102 01/05/2023

SB 105 01/05/2023

SB 107 01/05/2023

Executive Action:

SB 21 DO PASS AS AMENDED

SB 35 DO PASS

SB 59 DO PASS AS AMENDED

SB 63 DO PASS AS AMENDED

SB 75 DO PASS AS AMENDED

SB 80 DO PASS

SB 102 DO PASS

HEARING ON SB 105 - Prohibit rent control of private property

Opening Statement:

08:33:18 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 105, Prohibit rent control of private property.

Proponent Testimony:

08:35:17 Charles Denowh, United Property Owners of Montana (UPOM)

[EXHIBIT\(230110BUSa1\)](#)

08:37:21 Sen. Walt Sales left the meeting.

08:37:51 Sam Sall, Montana Association of Relaters (MAR)

08:39:38 Sen. Jason Small left the meeting.

08:40:17 Sen. Jason Small joined the meeting.

08:40:27 John Sinrud, President, Montana Landlords Association

08:43:43 Cory Shaw, Executive Director, Montana Building Association

08:44:26 Patrick Webb, Americans for Prosperity-Montana

08:45:00 Sen. Walt Sales joined the meeting.

Opponent Testimony:

08:45:37 Thomas Jodoin, Deputy Director, Montana League of Cities and Towns

08:47:12 Mandy Gerth, self

Informational Witness Testimony:

08:51:16 Cheryl Cohen, Montana Housing

Questions from Committee:

08:51:46 Sen. Willis Curdy

08:55:52 Sen. Steve Fitzpatrick-R

08:57:36 Sen. Bruce Gillespie

08:58:13 Cheryl Cohen, Montana Housing

Closing Statement:

08:59:28 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 105.

HEARING ON SB 107 - Revising laws relating to civil liability for injuries involving alcohol

Opening Statement:

09:00:40 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 107, Revising laws relating to civil liability for injuries involving alcohol.

Proponent Testimony:

09:09:15 John Hayes, self

09:12:56 Tom Heisler, self

09:15:01 John Iverson, Montana Tavern Association (MTA)

[EXHIBIT\(230110BUSa2\)](#)

09:18:30 Ronda Wiggers, Montana Coin Machine Operators Association (MCMOA)

09:19:44 Shauna Helfert, Montana Gaming Association

09:20:12 Melissa Shannon, Liquor Store Owners Association

09:20:42 Jennifer Hensley, Montana Distillers Guild

09:21:53 Jessie Luther, Hospitality and Development Association of Montana (HDAM)

09:22:53 Katjana Stutzer, Montana Brewers Association (MBA)

09:23:57 Bill Warden, National Association of Insurance and Financial Advisors (NAIFA)

09:24:34 Debra Pitassy, Montana Beer and Wine Distributors Association (MBWDA)

09:25:08 Scott Tuxbury, Tuxbury Consulting

Opponent Testimony:

09:29:03 Al Smith, Montana Trial Lawyers Association (MTLA)

09:44:39 Alexander Blewit, self

Informational Witness Testimony:

None

Questions from Committee:

09:57:54	Sen. Bruce Gillespie
09:58:48	Al Smith, MTLA
10:02:33	Sen. Mark Noland
10:02:57	John Iverson, MTA
10:03:11	John Hayes
10:05:07	Sen. Mark Noland
10:05:25	Scott Tuxbury, Tuxbury Consulting
10:06:14	Sen. Jason Small
10:06:46	Sen. Steve Fitzpatrick-R
10:08:27	Sen. Mark Noland
10:09:25	John Iverson, MTA
10:10:03	Sen. Jason Small
10:10:09	John Iverson, MTA
10:11:16	Sen. Jason Small

Closing Statement:

10:11:25	Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 107.
----------	--

HEARING ON SB 102 - Generally revising laws related to sports wagering sales agents' commissions

Opening Statement:

10:13:47	Sen. Mike Cuffe (R), SD 1, opened the hearing on SB 102, Generally revising laws related to sports wagering sales agents' commissions.
----------	--

Proponent Testimony:

10:17:40	Scott Sales, Montana Lottery
----------	------------------------------

10:21:30 John Iverson, Montana Tavern Association (MTA)

Opponent Testimony:

None

Questions from Committee:

10:22:37 Sen. Walt Sales
10:25:31 Scott Sales, Montana Lottery
10:27:36 Sen. Willis Curdy
10:27:51 Scott Sales, Montana Lottery
10:28:21 Sen. Willis Curdy
10:28:59 Sen. Mark Noland
10:29:34 Scott Sales, Montana Lottery

Closing Statement:

10:32:28 Sen. Mike Cuffe (R), SD 1, closed the hearing on SB 102.

EXECUTIVE ACTION ON SB 21 - Revise laws related to alcohol fingerprint requirements

10:58:12 **Motion:** Sen. Mark Noland moved that **SB 21 DO PASS.**
10:58:57 **Motion:** Sen. Mark Noland moved that **SB 21 BE AMENDED.**

Discussion:

10:36:12 Recessed
10:57:51 Reconvened
10:59:14 Sen. Mark Noland
10:59:54 Sen. Jason Small
11:00:00 Sen. Steve Fitzpatrick left the meeting.
11:00:14 Sen. Willis Curdy
11:00:21 Sen. Walt Sales
11:00:27 Sen. Jason Small
10:58:57 **Vote:** Motion carried unanimously by voice vote.

11:01:12 **Motion:** Sen. Mark Noland moved that **SB 21 DO PASS AS AMENDED.**

11:01:12 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 35 - Repeal business and industrial development corporations

11:02:19 **Motion:** Sen. Mark Noland moved that **SB 35 DO PASS.**

11:02:19 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 59 - Generally revise laws related to alcohol

11:03:52 **Motion:** Sen. Mark Noland moved that **SB 59 DO PASS.**

11:04:03 **Motion:** Sen. Mark Noland moved that **SB 59 BE AMENDED.**

Discussion:

11:04:21 Sen. Willis Curdy

11:04:50 Sen. Mark Noland

11:04:58 Sen. Willis Curdy

11:04:03 **Vote:** Motion carried unanimously by voice vote.

11:05:31 **Motion:** Sen. Mark Noland moved that **SB 59 DO PASS AS AMENDED.**

11:05:31 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 63 - Generally revise laws related to alcohol

11:06:20 **Motion:** Sen. Mark Noland moved that **SB 63 DO PASS.**

11:06:28 **Motion:** Sen. Mark Noland moved that **SB 63 BE AMENDED.**

Discussion:

11:06:48 Sen. Mark Noland

11:06:28 **Vote:** Motion carried unanimously by voice vote.

11:07:33 **Motion:** Sen. Mark Noland moved that **SB 63 DO PASS AS AMENDED.**

11:07:33 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 75 - Generally revise laws related to alcohol licenses

11:08:11 **Motion:** Sen. Mark Noland moved that **SB 75 DO PASS.**

11:08:23 **Motion:** Sen. Mark Noland moved that **SB 75 BE AMENDED.**

Discussion:

11:08:41 Sen. Mark Noland

11:08:23 **Vote:** Motion carried unanimously by voice vote.

11:09:39 **Motion:** Sen. Mark Noland moved that **SB 75 DO PASS AS AMENDED.**

11:09:39 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 80 - Authorize investment authority for retained interest

11:10:26 **Motion:** Sen. Mark Noland moved that **SB 80 DO PASS.**

Discussion:

11:10:33 Sen. Mike Fox

11:10:26 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 102 - Generally revising laws related to sports wagering sales agents' commissions

11:11:21 **Motion:** Sen. Mark Noland moved that **SB 102 DO PASS.**

11:11:21 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 11:12:58

Daisy Rhodes, Secretary

Additional Documents: [EXHIBIT\(230110BUSaad\)](#)

Analysis

Liquor Liability in the Montana Marketplace

Montana Tavern Association members are seeing substantial premium increases on renewals, ranging from 20% to 80%. While all states are seeing increases in liquor liability premiums, this is higher than the national trend.

Liquor Liability Premiums Montana Compared to Other Western States

Alcohol > 75% of Gross Receipts / \$500,000. Liquor Sales

State	Insurer 1	Insurer 2	Insurer 3	Insurer 4
Montana	\$16,070.	\$13,995.	\$14,920.	\$50,000.
Idaho	\$6,760.	\$19,000.	\$8,265.	\$23,655
Oregon	\$14,765	N/A	\$7,765.	\$69,835.
Washington	\$9,570.	N/A	\$6,740.	\$50,567.
Wyoming	\$10,670.	N/A	\$12,034	\$24,185.

** Assumes no prior losses. Underwriting may dictate availability for some insurers. Other factors, such as dancing, entertainment, or other events may impact premiums.*

The insurance marketplace for bars and taverns in Montana is limited in scope. There are fewer than a half dozen insurance companies that will insure such establishments for liquor liability. Of these, only two or three companies have consistently operated in the state, with the balance comprised of insurers that stay only for a short time.

In a state with such a small market, many insurers simply choose to use their limited resources elsewhere, where they believe they have a better profit potential. Insurance is a pooling mechanism, where all the insureds contribute to the insurance company, and the company pays out claims from the pool. Because this pool is very small in Montana, a few claims on liquor liability can have a significant impact on MTA members (and non-members). Insurance carriers look at their experience in Montana overall, as well as individual customers to make their decisions, and establishments with claims have a direct impact on those that do not.

Insurers that have left Montana generally pointed to poor results and lack of potential, while others indicated they felt unable to compete with the MTA insurance program, which they perceived as being underpriced insurance. When I asked insurer representatives about insuring liquor liability in Montana,

their initial responses often included similar broad but negative comments about why they were reluctant to do business in the state. Among them:

- "Liberal judgements"
- "Poor legal environment"
- "Lack of clarity in laws"
- "Bad faith law"
- "Too volatile"
- "Too hard to predict loss experience"

Because the Montana marketplace is small and there are so few players, many insurers rely upon their limited experience in the state to make decisions. For liquor liability insurers, it may take only a few claims before they discontinue business in the state. The problem is compounded by the fact that, when an insurer discontinues business, it becomes widely known. Other carriers know about it and are alerted to potential problems. During my interviews with carriers, they often brought up what their competitors were doing in Montana. These are valuable takeaways that point to a need for reliable, accurate information resources for decision-makers to utilize.

Liquor Liability in the National Marketplace

When evaluating the Montana marketplace, it is helpful to look at the market and trends in liquor liability nation-wide. Across the country, the insurance market has constricted considerably in the last two years. There are many fewer insurers today than there were just a few years ago, and I expect that trend to continue.

This translates to a lack of capacity in the insurance industry. That means insurers are being careful about deploying resources and concentrating on high-profit potential lines of business. Liquor Liability is not currently considered to be high profit in most states. One insurer I interviewed described liquor liability as being a very volatile class of business. He went further, saying "Montana is a very volatile state, and this is a very volatile class of business."

Factors Driving Increased Claims Costs and Insurance Rates

Factors driving up claims costs nationally are similar to those in Montana. The state has its share of specific factors, but several national trends provide context:

1. Disruption in the marketplace. Disruption refers to insurers getting out of providing liquor liability and therefore displacing many customers. The existing marketplace may not be willing to accept all these potential new customers, which results in excess demand in an environment where supply is limited. One of the major liquor liability insurers stated, "This is the most disruption I have seen in any line of business in 34 years."
2. Aggressive plaintiff attorneys. Attorneys are specializing in dram shop cases, and many advertise for clients. They are also more aggressive in pursuing the claims and making very high demands up front. USLI, Golden Bear Insurance, and Nationwide all discussed the fact that they have seen a significant increase in policy limit demands at the time the initial claim is presented. Although it was a national trend, it was specifically referenced as more likely to occur in Montana.

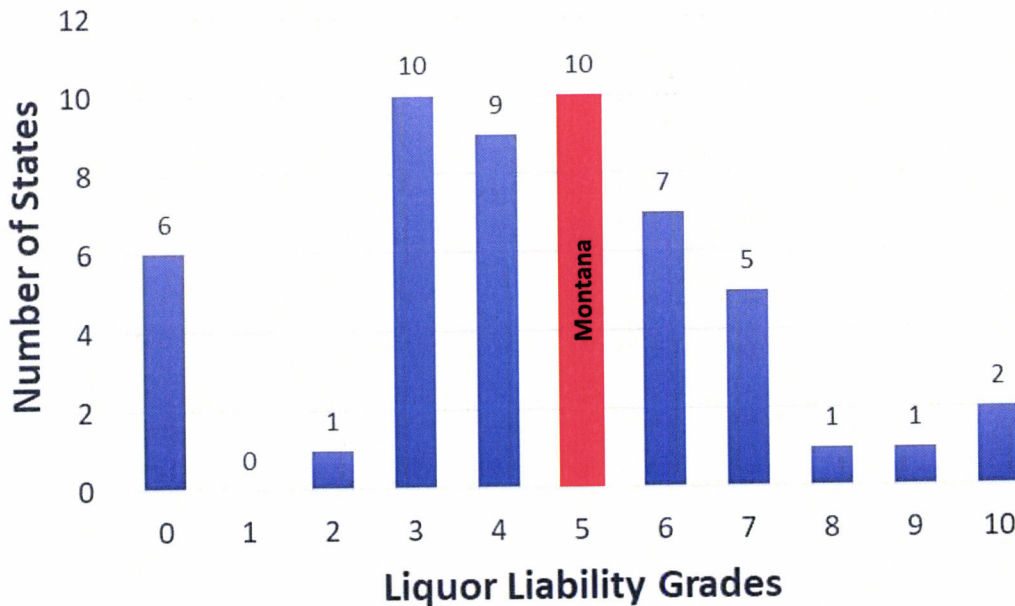
3. Social inflation on claims. Several elements are in play with increased costs of claims:
 - Significant increase in numbers of large verdicts, often resulting in multiple million-dollar awards.
 - Medical expense inflation
 - Increased punitive damage awards
 - High legal costs associated with defending a claim
4. Reinsurer restrictions and costs. Most insurance companies are "reinsured." Reinsurance companies may place limitations upon the primary insurance company regarding underwriting and pricing of liquor liability. Thus, many of the liquor liability carriers are experiencing significant increases in their costs, which results in increased costs to insured businesses.
5. Legalization of Marijuana and other drug usage. Carriers expressed concern over the increasing use of marijuana, and it being a contributing factor to alcohol-related accidents. The use of marijuana can be a contributing cause of an accident, but it can be difficult to differentiate causation. Therefore, it was a common belief that usage of marijuana is increasing the likelihood of alcohol-related incidents.

Liquor Liability Grading

Insurance companies that insure restaurants generally subscribe to ISO (Insurance Services Office)/Verisk guidance on rates and underwriting. The ISO/Verisk liquor liability grading determines an appropriate rate structure for each state and each classification, and most insurance companies use this model to set rates.

Grading for states is based on a scale from 0-10, with 0 being the lowest risk and 10 being the highest. States with a 0 grade generally have no cause of action against liquor vendors or those that have served alcohol. States with grades of 10 enforce strict liability, and therefore selling liquor is itself considered the cause of injury in the event of an incident. Montana has a liquor grade of 5 and therefore, according to ISO/Verisk grading, has moderate risk. (See graphic on the following page.)

Liquor Liability Grading by State (As determined by Insurance Services Office/Verisk)



**Source: Independent Insurance Agents & Brokers of America, Inc.*

The actual formula used to determine grades is confidential, but is based upon two primary factors:

- The state's dram shop laws AND
- Dram shop-related court decisions (i.e., courts' interpretation of the law)

Many Montana bars/taverns are insured with carriers that are not ISO/Verisk members, but these carriers can and do access the information from other sources. Therefore, one of the goals of the MTA should be to move Montana's grade down to a lower risk grade, which would then reflect lower rates. Achieving this goal will involve changing state statutes to have a positive impact on future grading, which should eventually result in lower costs to members.

MINUTES

MONTANA SENATE

68th LEGISLATURE - REGULAR SESSION

COMMITTEE ON (S) BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Sen. Jason Small-R, on January 12, 2023 at 8:29 AM, in 422

ROLL CALL

Members Present: Sen. Jason Small, Chair (R)
Sen. Willis Curdy, Vice Chair (D)
Sen. Mark Noland, Vice Chair (R)
Sen. Mike Fox (D)
Sen. Bruce Gillespie (R)
Sen. Walt Sales (R)
Sen. Terry Vermeire (R)

Members Excused: Sen. Jason Ellsworth (R)
Sen. Steve Fitzpatrick (R)
Sen. Christopher Pope (D)

Staff Present: Daisy Rhodes, Secretary
Erin Sullivan, Attorney

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

SB 133 01/09/2023

Executive Action:

SB 71 DO PASS AS AMENDED
SB 100 DO PASS
SB 101 DO PASS
SB 107 DO PASS
SB 108 DO PASS AS AMENDED

HEARING ON SB 133 - Generally review gambling laws related to parimutuel wagering

Opening Statement:

08:30:38 Sen. Tom McGillvray (R), SD 23, opened the hearing on SB 133,
Generally review gambling laws related to parimutuel wagering.

Discussion:

[EXHIBIT\(230112BUSa1\)](#)

Proponent Testimony:

08:33:31 Scott Sales, Montana Lottery

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:34:59 Sen. Mark Noland

08:35:33 Scott Sales, Montana Lottery

08:38:26 Sen. Bruce Gillespie

08:39:12 Scott Sales, Montana Lottery

08:40:37 Sen. Willis Curdy

08:41:19 Scott Sales, Montana Lottery

Closing Statement:

08:42:55 Sen. Tom McGillvray (R), SD 23, closed the hearing on SB 133.

EXECUTIVE ACTION ON SB 71 - Generally revise milk control policies

09:05:18 **Motion:** Sen. Mark Noland moved that **SB 71 DO PASS.**

09:05:18 **Vote:** Motion failed unanimously by voice vote.

09:05:37 **Motion:** Sen. Mark Noland moved that **SB 71 BE AMENDED.**

Discussion:

08:46:38 Recessed

09:05:12 Reconvened

09:05:54 Sen. Walt Sales

09:06:24 Sen. Jason Small

09:05:37 **Vote:** Motion carried unanimously by voice vote.

09:07:09 **Motion:** Sen. Mark Noland moved that **SB 71 DO PASS AS AMENDED.**

09:07:09 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 100 - Revising laws related to naturopaths and natural substances

09:08:03 **Motion:** Sen. Mark Noland moved that **SB 100 DO PASS.**

09:08:03 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON SB 101 - Generally revise naturopathic in-office dispensing laws

09:09:24 **Motion:** Sen. Mark Noland moved that **SB 101 DO PASS.**

09:09:24 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 107 - Revising laws relating to civil liability for injuries involving alcohol

09:10:15 **Motion:** Sen. Mark Noland moved that **SB 107 DO PASS.**

09:10:15 **Vote:** Motion carried 8 - 2 by roll call vote with Sen. Curdy, Sen. Pope, voting no.
Sen. Pope, By Proxy

EXECUTIVE ACTION ON SB 108 - Revise laws related to proof of vehicle insurance

09:11:41 **Motion:** Sen. Mark Noland moved that **SB 108 DO PASS.**

09:11:41 **Vote:** Motion failed unanimously by voice vote.

09:12:00 **Motion:** Sen. Mark Noland moved that **SB 108 BE AMENDED.**

09:12:00 **Vote:** Motion carried unanimously by voice vote.

09:13:07 **Motion:** Sen. Mark Noland moved that **SB 108 DO PASS AS AMENDED.**

09:13:07 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 09:14:31

Daisy Rhodes, Secretary

Additional Documents: [EXHIBIT\(230112BUSaad\)](#)

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) BUSINESS AND LABOR

Call to Order: Chair Edward Buttrey-R, on February 14, 2023 at 8:30 AM, in Room 172

ROLL CALL

Members Present: Rep. Edward Buttrey, Chair (R)
Rep. Derek Harvey, Vice Chair (D)
Rep. Kerri Seekins-Crowe, Vice Chair (R)
Rep. Fred Anderson (R)
Rep. James Bergstrom (R)
Rep. Bob Carter (D)
Rep. Ross Fitzgerald (R)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Steve Gunderson (R)
Rep. Jonathan Karlen (D)
Rep. Denley Loge (R)
Rep. Jennifer Lynch (D)
Rep. Ron Marshall (R)
Rep. Eric Matthews (D)
Rep. Nelly Nicol (D)
Rep. Katie Zolnikov (R)

Members Excused: Rep. Greg Oblander (R)
Rep. Katie Sullivan (D)

Staff Present: Jolanda Songer, Secretary
Jameson Walker, Research Analyst

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

HB 433 02/09/2023
SB 107 02/07/2023

Executive Action:

HB 128 DO PASS AS AMENDED

HB 357 TO TABLE

HB 358 DO PASS AS AMENDED

HB 379 DO PASS AS AMENDED

HB 386 TO TABLE

HEARING ON HB 433 - Clarify use of certain refrigerants

Opening Statement:

08:32:19 Rep. Tom Welch (R), HD 72, opened the hearing on HB 433, Clarify use of certain refrigerants.

Proponent Testimony:

08:33:23 Amy Grmalez, Air-Conditioning, Heating, and Refrigeration Institute (AHRI)

08:35:54 Christopher Bresee, Air-Conditioning, Heating, and Refrigeration Institute (AHRI)

Opponent Testimony:

None

Informational Witness Testimony:

08:39:44 Bo Wilkins, Department of Environmental Quality (DEQ)

08:39:55 Eric Copeland, Bureau Chief, Department of Labor and Industry, Building and Commercial Measurements (DLI)

Questions from Committee:

None

Closing Statement:

08:39:54 Rep. Tom Welch (R), HD 72, closed the hearing on HB 433.

HEARING ON SB 107 - Revising laws relating to civil liability for injuries involving alcohol

Opening Statement:

08:40:47 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 107, Revising laws relating to civil liability for injuries involving alcohol.

Proponent Testimony:

08:49:27 John Iverson, Montana Tavern Association (MTA)
[EXHIBIT\(230214BUHa1\)](#)
[EXHIBIT\(230214BUHa2\)](#)
[EXHIBIT\(230214BUHa3\)](#)

08:56:58 Mary Jane Heisler, President, Montana Tavern Association (MTA)

08:57:29 Tom Heisler

09:00:06 Melissa Shannon, Liquor Store Owners Association (LSOA)

09:00:36 Brad Griffin, Montana Restaurant Association (MRA)

09:01:20 Mark Taylor, Hospitality and Development Association (HDA)

09:01:58 John Hayes

09:04:13 Ronda Wiggers, Montana Coin Machine Operators Association (MCMOA)

09:05:10 Shauna Helfert, Gaming Industry Association (GIA)

09:05:42 Katjana Stutzer, Montana Brewers Association (MBA)

09:07:10 Scott Tuxbury, Tuxbury Insurance Consulting

09:12:32 Dianne Olson, Manager, Cowboy's Bar and Museum

Opponent Testimony:

09:14:02 Al Smith, Montana Trial Lawyers Association (MTLA)
[EXHIBIT\(230214BUHa4\)](#)

09:37:41 Alexander Blewett

Informational Witness Testimony:

None

Questions from Committee:

09:49:42 Rep. Ron Marshall

09:50:10 John Iverson, MTA

09:50:18	Rep. Ron Marshall
09:50:32	John Iverson, MTA
09:50:37	Rep. Ron Marshall
09:51:08	John Iverson, MTA
09:51:33	Rep. Ron Marshall
09:52:01	Sen. Steve Fitzpatrick-R
09:53:48	Rep. Ron Marshall
09:53:56	Sen. Steve Fitzpatrick-R
09:54:07	Vice Chair Kerri Seekins-Crowe
09:54:35	Sen. Steve Fitzpatrick-R
09:55:33	Vice Chair Kerri Seekins-Crowe
09:55:48	Sen. Steve Fitzpatrick-R
09:56:42	Rep. Fred Anderson
09:57:01	Vice Chair Kerri Seekins-Crowe left the meeting.
09:57:21	John Iverson, MTA
09:57:48	Rep. Steve Gunderson left the meeting.
09:58:21	Rep. Katie Zolnikov
09:58:42	Sen. Steve Fitzpatrick-R
09:58:55	Rep. Nelly Nicol
09:59:40	Sen. Steve Fitzpatrick-R
10:00:29	Rep. James Bergstrom
10:00:47	Sen. Steve Fitzpatrick-R
10:01:42	Rep. Ross Fitzgerald
10:02:50	Scott Tuxbury

10:03:11	Rep. Ross Fitzgerald
10:03:35	Scott Tuxbury
10:04:16	Rep. Katie Zolnikov
10:04:56	Scott Tuxbury
10:05:21	Chair Edward Buttrey
10:05:41	Rep. Ron Marshall
10:06:25	Tom Heisler
10:06:37	Rep. Ron Marshall
10:06:50	Tom Heisler
10:06:55	Chair Edward Buttrey
10:07:36	Sen. Steve Fitzpatrick-R
10:08:44	Chair Edward Buttrey
10:09:23	Scott Tuxbury
10:10:28	Rep. Bob Carter
10:10:59	Al Smith
10:11:10	Rep. Bob Carter
10:11:35	Al Smith
10:12:56	Rep. Bob Carter
10:13:08	Al Smith
10:13:37	Rep. Bob Carter
10:14:02	Alexander Blewett
10:14:12	Rep. Bob Carter
10:14:32	Alexander Blewett
10:15:36	Vice Chair Derek Harvey

10:16:07 Sen. Steve Fitzpatrick-R

Closing Statement:

10:16:54 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 107.

10:18:20 **Recessed**

10:50:35 Rep. Sullivan has arrived

10:51:38 **Reconvened**

EXECUTIVE ACTION ON HB 128 - Generally revise marijuana laws

10:51:47 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 128 DO PASS.**

10:52:01 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 128 BE AMENDED.**

Discussion:

10:52:56 Chair Edward Buttrey

10:52:01 **Vote:** Motion carried 13 - 6 by roll call vote with Rep. Carter, Rep. Harvey, Rep. Karlen, Rep. Lynch, Rep. Matthews, Rep. Sullivan, voting no.

10:54:19 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 128 DO PASS AS AMENDED.**

Discussion:

10:54:32 Chair Edward Buttrey

10:56:13 Rep. Steven Galloway

10:57:58 Vice Chair Derek Harvey

10:54:19 **Vote:** Motion carried 10 - 9 by voice vote with Rep. Anderson, Rep. Carter, Rep. Galloway, Rep. Harvey, Rep. Karlen, Rep. Lynch, Rep. Matthews, Rep. Nicol, Rep. Sullivan, voting no.

EXECUTIVE ACTION ON HB 357 - Revise homeowners' association restrictions

11:01:10 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 357 DO PASS.**

11:01:41 **Substitute Motion:** Rep. Eric Matthews moved that **HB 357 TO TABLE.**

11:01:41 **Vote:** Substitute Motion carried 17 - 2 by voice vote with Rep. Gist, Rep. Sullivan, voting no.

EXECUTIVE ACTION ON HB 358 - Revise property manager license law

- 11:03:10 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 358 DO PASS.**
- 11:03:21 **Motion:** Rep. Katie Zolnikov moved that **HB 358 BE AMENDED.**
- 11:03:29 **Motion:** Rep. Katie Zolnikov moved that **HB 358 BE AMENDED.**
- 11:03:29 **Vote:** Motion carried unanimously by voice vote.
- 11:04:52 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 358 DO PASS AS AMENDED.**

Discussion:

- 11:05:04 Rep. Katie Zolnikov
- 11:05:39 Chair Edward Buttrey
- 11:04:52 **Vote:** Motion carried 17 - 1 by voice vote with Rep. Carter, voting no.

EXECUTIVE ACTION ON HB 379 - Revise laws related to pharmacy benefit managers

- 11:07:11 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 379 DO PASS.**
- 11:07:19 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 379 BE AMENDED.**
- 11:07:19 **Vote:** Motion carried 14 - 5 by roll call vote with Rep. Carter, Rep. Harvey, Rep. Karlen, Rep. Lynch, Rep. Matthews, voting no.
- 11:09:22 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 379 DO PASS AS AMENDED.**
- 11:09:22 **Vote:** Motion carried 15 - 4 by voice vote with Rep. Carter, Rep. Harvey, Rep. Lynch, Rep. Matthews, voting no.

EXECUTIVE ACTION ON HB 386 - Establish requirement for paid sick days

- 11:10:32 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 386 DO PASS.**
- Discussion:**
- 11:10:45 Vice Chair Derek Harvey
- 11:12:05 Rep. Ron Marshall
- 11:12:18 Chair Edward Buttrey
- 11:12:20 **Substitute Motion:** Rep. Ron Marshall moved that **HB 386 TO TABLE.**
- 11:12:20 **Vote:** Substitute Motion carried 13 - 6 by roll call vote with Rep. Carter, Rep. Harvey, Rep. Karlen, Rep. Lynch, Rep. Matthews, Rep. Sullivan, voting no.

ADJOURNMENT

Adjournment: 11:14:30

Jolanda Songer, Secretary

Additional Documents: [EXHIBIT\(230214BUHaad\)](#)

UNITED STATES LIABILITY INSURANCE COMPANY
1190 DEVON PARK DRIVE
P.O. BOX 6700
WAYNE PA 19087-2191

NOTICE OF NONRENEWAL OF INSURANCE

Named Insured & Mailing Address:

Producer: 1780

GREAT FALLS MT 59401

BIG SKY UNDERWRITERS
2432 KEMP STREET
MISSOULA MT 59801

Policy No.:
Type of Policy: LIQUOR LIABILITY
Date of Expiration: 04/07/2023; 12:01 A.M. Local Time at the mailing address of the Named Insured.

We will not renew this policy when it expires. Your insurance will cease on the Expiration Date shown above.

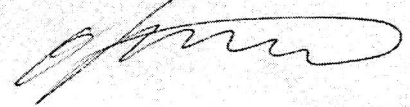
The reason for nonrenewal is We are no longer writing liquor liability on pouring establishment's in the state of Montana through our Admitted Company, United States Liability Insurance Company.

If you question the facts upon which this action is based, you may make written request to us within 60 business days and we will furnish you with such information within 21 days of receiving your request.

Named Insured

GREAT FALLS MT 59401

Date Mailed:
7th day of February, 2023



MYUNGSUN LEE



DEVON PARK

SPECIALTY INSURANCE

EXHIBIT CEE 2

DATE

2/14/23

SB

107

September 16, 2021

VIA EMAIL ONLY

Driggs, Bills & Day
611 North 31st Street
Billings, MT 59102

Attn: Merry Marr, Esq.

Email: mmarr@advocates.com

RE: Claim No.: [REDACTED]
Date of Loss: 2/21/21
Claimant: [REDACTED]
Insured: [REDACTED]
Policy No.: [REDACTED]

Dear Ms. Marr:

USLI is the liquor liability carrier from [REDACTED]. Your firm sent a Notice of Intent to File Action to [REDACTED] dated 8/16/21 for injuries sustained by your clients as a result of an automobile accident with an auto operated by [REDACTED]. The Notice stated that [REDACTED] may have served [REDACTED] alcohol prior to the accident which contributed to the accident.

Our obligation under the [REDACTED] policy is to pay for claims for which they are legally liable. Our investigation has determined that our insured is not liable under Montana liquor liability laws. [REDACTED] has no record of Mr. [REDACTED] patronizing their establishment on the date of loss. In addition, we secured a statement from Mr. [REDACTED] that he did not consume any alcohol at [REDACTED] or any other establishment prior to the accident.

For this and other reasons that may not be stated, USLI must respectfully deny liability for your clients' claims. If you have information to support liability against the [REDACTED], please forward for my further consideration.

If you have any questions or would like to discuss this matter further, feel free to contact me. I can be reached at 610-902-9531 or czwaan@usli.com.

Sincerely,

Cathy Zwaan
Second Vice President / Claims Examiner

BERKSHIRE HATHAWAY COMPANIES

1190 DEVON PARK DRIVE • P.O. BOX 6700 • WAYNE, PA 19087 • 610-688-2535 • 888-523-5545 • FAX 610-688-4391

United States Liability Insurance Company • Mount Vernon Fire Insurance Company • U.S. Underwriters Insurance Company
Mount Vernon Specialty Insurance Co. • Radnor Specialty Insurance Co.

USLI.COM • DEVONPARKSPECIALTY.COM

Analysis

Liquor Liability in the Montana Marketplace

Montana Tavern Association members are seeing substantial premium increases on renewals, ranging from 20% to 80%. While all states are seeing increases in liquor liability premiums, this is higher than the national trend.

Liquor Liability Premiums Montana Compared to Other Western States

Alcohol > 75% of Gross Receipts / \$500,000. Liquor Sales

State	Insurer 1	Insurer 2	Insurer 3	Insurer 4
Montana	\$16,070.	\$13,995.	\$14,920.	\$50,000.
Idaho	\$6,760.	\$19,000.	\$8,265.	\$23,655
Oregon	\$14,765	N/A	\$7,765.	\$69,835.
Washington	\$9,570.	N/A	\$6740.	\$50,567.
Wyoming	\$10,670.	N/A	\$12,034	\$24,185.

** Assumes no prior losses. Underwriting may dictate availability for some insurers. Other factors, such as dancing, entertainment, or other events may impact premiums.*

The insurance marketplace for bars and taverns in Montana is limited in scope. There are fewer than a half dozen insurance companies that will insure such establishments for liquor liability. Of these, only two or three companies have consistently operated in the state, with the balance comprised of insurers that stay only for a short time.

In a state with such a small market, many insurers simply choose to use their limited resources elsewhere, where they believe they have a better profit potential. Insurance is a pooling mechanism, where all the insureds contribute to the insurance company, and the company pays out claims from the pool. Because this pool is very small in Montana, a few claims on liquor liability can have a significant impact on MTA members (and non-members). Insurance carriers look at their experience in Montana overall, as well as individual customers to make their decisions, and establishments with claims have a direct impact on those that do not.

Insurers that have left Montana generally pointed to poor results and lack of potential, while others indicated they felt unable to compete with the MTA insurance program, which they perceived as being underpriced insurance. When I asked insurer representatives about insuring liquor liability in Montana,

their initial responses often included similar broad but negative comments about why they were reluctant to do business in the state. Among them:

- “Liberal judgements”
- “Poor legal environment”
- “Lack of clarity in laws”
- “Bad faith law”
- “Too volatile”
- “Too hard to predict loss experience”

Because the Montana marketplace is small and there are so few players, many insurers rely upon their limited experience in the state to make decisions. For liquor liability insurers, it may take only a few claims before they discontinue business in the state. The problem is compounded by the fact that, when an insurer discontinues business, it becomes widely known. Other carriers know about it and are alerted to potential problems. During my interviews with carriers, they often brought up what their competitors were doing in Montana. These are valuable takeaways that point to a need for reliable, accurate information resources for decision-makers to utilize.

Liquor Liability in the National Marketplace

When evaluating the Montana marketplace, it is helpful to look at the market and trends in liquor liability nation-wide. Across the country, the insurance market has constricted considerably in the last two years. There are many fewer insurers today than there were just a few years ago, and I expect that trend to continue.

This translates to a lack of capacity in the insurance industry. That means insurers are being careful about deploying resources and concentrating on high-profit potential lines of business. Liquor Liability is not currently considered to be high profit in most states. One insurer I interviewed described liquor liability as being a very volatile class of business. He went further, saying “Montana is a very volatile state, and this is a very volatile class of business.”

Factors Driving Increased Claims Costs and Insurance Rates

Factors driving up claims costs nationally are similar to those in Montana. The state has its share of specific factors, but several national trends provide context:

1. Disruption in the marketplace. Disruption refers to insurers getting out of providing liquor liability and therefore displacing many customers. The existing marketplace may not be willing to accept all these potential new customers, which results in excess demand in an environment where supply is limited. One of the major liquor liability insurers stated, “This is the most disruption I have seen in any line of business in 34 years.”
2. Aggressive plaintiff attorneys. Attorneys are specializing in dram shop cases, and many advertise for clients. They are also more aggressive in pursuing the claims and making very high demands up front. USLI, Golden Bear Insurance, and Nationwide all discussed the fact that they have seen a significant increase in policy limit demands at the time the initial claim is presented. Although it was a national trend, it was specifically referenced as more likely to occur in Montana.

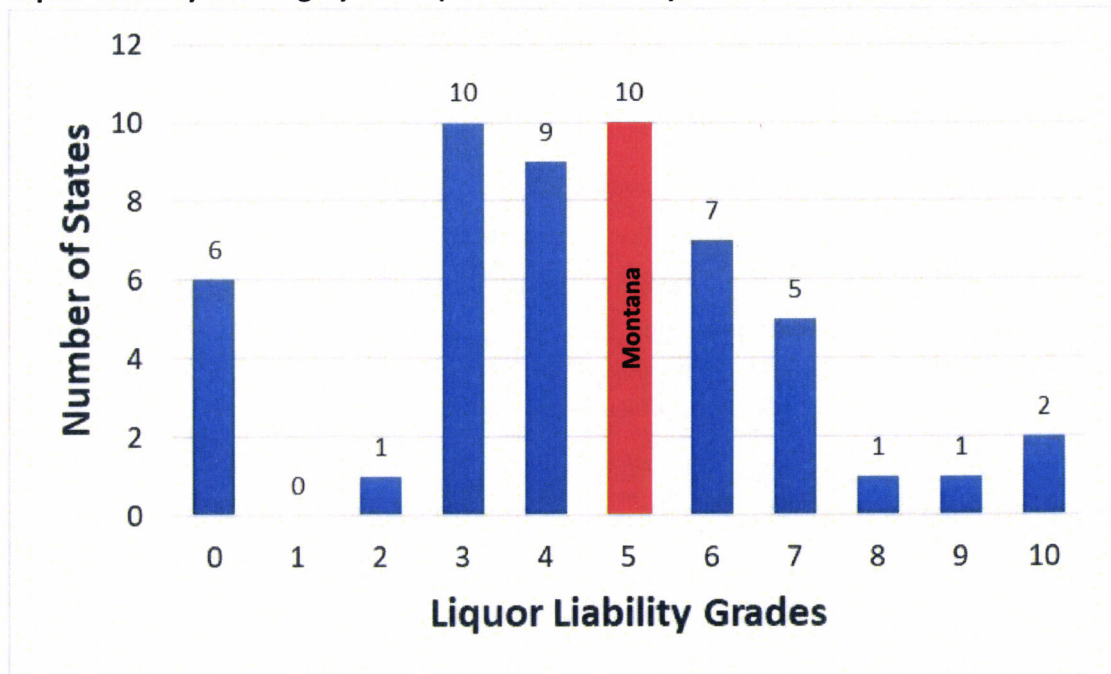
3. Social inflation on claims. Several elements are in play with increased costs of claims:
 - Significant increase in numbers of large verdicts, often resulting in multiple million-dollar awards.
 - Medical expense inflation
 - Increased punitive damage awards
 - High legal costs associated with defending a claim
4. Reinsurer restrictions and costs. Most insurance companies are “reinsured.” Reinsurance companies may place limitations upon the primary insurance company regarding underwriting and pricing of liquor liability. Thus, many of the liquor liability carriers are experiencing significant increases in their costs, which results in increased costs to insured businesses.
5. Legalization of Marijuana and other drug usage. Carriers expressed concern over the increasing use of marijuana, and it being a contributing factor to alcohol-related accidents. The use of marijuana can be a contributing cause of an accident, but it can be difficult to differentiate causation. Therefore, it was a common belief that usage of marijuana is increasing the likelihood of alcohol-related incidents.

Liquor Liability Grading

Insurance companies that insure restaurants generally subscribe to ISO (Insurance Services Office)/Verisk guidance on rates and underwriting. The ISO/Verisk liquor liability grading determines an appropriate rate structure for each state and each classification, and most insurance companies use this model to set rates.

Grading for states is based on a scale from 0-10, with 0 being the lowest risk and 10 being the highest. States with a 0 grade generally have no cause of action against liquor vendors or those that have served alcohol. States with grades of 10 enforce strict liability, and therefore selling liquor is itself considered the cause of injury in the event of an incident. Montana has a liquor grade of 5 and therefore, according to ISO/Verisk grading, has moderate risk. (See graphic on the following page.)

Liquor Liability Grading by State (As determined by Insurance Services Office/Verisk)



**Source: Independent Insurance Agents & Brokers of America, Inc.*

The actual formula used to determine grades is confidential, but is based upon two primary factors:

- The state's dram shop laws AND
- Dram shop-related court decisions (i.e., courts' interpretation of the law)

Many Montana bars/taverns are insured with carriers that are not ISO/Verisk members, but these carriers can and do access the information from other sources. Therefore, one of the goals of the MTA should be to move Montana's grade down to a lower risk grade, which would then reflect lower rates. Achieving this goal will involve changing state statutes to have a positive impact on future grading, which should eventually result in lower costs to members.

Please Vote NO on SB 107

SB 107 would effectively remove a deterrent to alcohol providers over serving patrons. The bill will deny justice for Montana families whose lives have been devastated by drunk drivers who continued to be served after they were visibly and obviously intoxicated. Even if passage of this bill resulted in lower insurance rates, which it will not and no insurance company testified that it would, that is too high a price for innocent families being denied their day in court.

New subsection (9) imposes onerous restrictions upon the 180 day notice of intent to file requirement such that virtually no cases could be brought. This new subsection is in response to one out of state based law firm sending notices to all alcohol establishments in the area of a drunk driver crash precisely because under the **current** law 180 days is too short of a time to adequately investigate and determine which provider negligently over served the drunk driver. That firm was sued for malpractice for missing the 180 day notice in a case so resorted to this extreme response to protect itself and preserve its clients' cases.

This new section makes that too difficult task nearly impossible as it requires the notice to have the same knowledge that is required to file a lawsuit in court under Rule 11 of the Montana Rules of Civil Procedure. Providing a date and time in 180 days is difficult but possible. Providing all the rest of the information required by this new section in 180 days will be nearly impossible.

Consider this, a drunk driver runs a red light and smashes into a family's car, killing the drunk, one parent and one child and severely injuring the spouse and other child. How do you determine if the driver was drunk – you wait for lab tests and police reports, which may take more than 180 days to be completed. How do you determine if the dead driver was even at a bar prior to the crash? If you find out he was at a bar, how do you determine if he was over served at that bar? How do you determine if there were visual or audible indicators of visible intoxication? Those are all matters that require extensive investigation, investigation that will take more than 180 days in virtually every case. The result will be innocent victims denied their right to their day in court, **AND NO Deterrent for irresponsible providers.**

New Subsection (2) eliminates any tort actions against alcohol providers for failure to provide for the safety of their patrons in or adjacent to their property. In 1974, the Montana Supreme Court stated that an establishment that serves alcoholic beverages owes patrons "the duty of exercising reasonable care to protect them from injury at the hands of a fellow patron, and of seeing to it that a patron is not injured either by those in his employ or by drunken or vicious men whom he may choose to harbor." Kipp v. Wong, 163 Mont. 476, 480-81, 517 P.2d 897, 900 (1974), citing a 1961 case. **This is a long standing duty, not some recent change.**

New subsection (5) purports to require a judge or jury to consider several factors, set out as subsections (a) through (e), such as the "(b) actions of the consumer" - but (a), (b), (c) and (d) are already considered in these actions. The real purpose of proposed "(e) independent intervening cause or multiple causes" is to absolutely require something in all these cases that a judge should first properly decide whether it is relevant, on a case by case basis. For all other tort cases a judge decides this issue and if the superceding or intervening cause is foreseeable, it can't be raised as a defense.

New subsection (6) bars **any** use of blood alcohol levels. Blood alcohol levels can be reliably calculated from the time of the test backwards by hours, not to prove over serving by itself, but to show a level of intoxication to challenge a server's credibility. Without such evidence to question servers' observations, servers will be able to deny any observations and the case will be decided against harmed families by summary judgment.

New subsection (7)(a) arbitrarily denies passengers 18 years and older of the over served defendant of any remedy.

Our Constitution provides in Article XIII, Section 1: (2) **The legislature shall provide protection and education for the people against harmful and unfair practices by either foreign or domestic corporations, individuals, or associations. Do your duty, protect your constituents from harm.**

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) BUSINESS AND LABOR

Call to Order: Chair Edward Buttrey-R, on March 17, 2023 at 8:00 AM, in Room 172

ROLL CALL

Members Present: Rep. Edward Buttrey, Chair (R)
Rep. Derek Harvey, Vice Chair (D)
Rep. Kerri Seekins-Crowe, Vice Chair (R)
Rep. Fred Anderson (R)
Rep. James Bergstrom (R)
Rep. Bob Carter (D)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Steve Gunderson (R)
Rep. Jennifer Lynch (D)
Rep. Ron Marshall (R)
Rep. Eric Matthews (D)
Rep. Nelly Nicol (R)
Rep. Greg Oblander (R)

Members Excused: Rep. Ross Fitzgerald (R)
Rep. Jonathan Karlen (D)
Rep. Denley Loge (R)
Rep. Katie Sullivan (D)
Rep. Katie Zolnikov (R)

Staff Present: Macy McCauley, Secretary
Jameson Walker, Research Analyst

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

SB 100 03/08/2023

SB 101 03/08/2023

SB 155 03/13/2023

SB 214 03/13/2023

Executive Action:

HB 137 DO PASS AS AMENDED

SB 21

SB 63

SB 107

08:02:14 Rep. Zolnikov has arrived

08:03:53 Rep. Karlen has arrived

HEARING ON SB 100 - Revising laws related to naturopaths and natural substances

Opening Statement:

08:02:20 Sen. Greg Hertz (R), SD 12, opened the hearing on SB 100, Revising laws related to naturopaths and natural substances.

Discussion:

08:02:24 Sen. Greg Hertz-R

Proponent Testimony:

08:06:51 Ingrid Lovitt

[EXHIBIT\(230317BUHa1\)](#)

08:17:12 Dr. Elizabeth Stegmaier

08:20:21 Mark Jurovich

08:23:15 Dr. Dawn Dalili

08:27:12 Dr. Noor Bass

08:28:28 Claire Michelson

08:32:19 Amy Schulte

08:35:12 Dr. Samantha Reap

Opponent Testimony:

08:50:02 Jean Brandscom

[EXHIBIT\(230317BUHa2\)](#)

08:50:36 Kim Longcake

08:52:42 Rep. Ron Marshall joined the meeting.

08:55:57 Dr. Lauren Wilson

Informational Witness Testimony:

08:59:30 Darcy Bough

Questions from Committee:

08:59:56 Rep. Steve Gist

[EXHIBIT\(230317BUHa3\)](#)

09:05:07 Rep. Steven Galloway

09:08:44 Rep. Greg Oblander

09:11:57 Rep. Nelly Nicol

09:15:35 Rep. Steven Galloway

09:19:32 Rep. Jonathan Karlen

09:25:19 Rep. Steve Gist

09:31:09 Rep. Greg Oblander

09:36:16 Rep. Bob Carter

09:42:42 Rep. Steve Gist

09:44:44 Rep. Steven Galloway

09:50:45 Rep. Bob Carter

Closing Statement:

09:51:37 Sen. Greg Hertz (R), SD 12, closed the hearing on SB 100.

Discussion:

09:51:41 Sen. Greg Hertz-R

HEARING ON SB 101 - Generally revise naturopathic in-office dispensing laws

Opening Statement:

09:55:12 Sen. Greg Hertz (R), SD 12, opened the hearing on SB 101, Generally revise naturopathic in-office dispensing laws.

Discussion:

09:55:14 Sen. Greg Hertz-R

Proponent Testimony:

09:56:54 Ingrid Lovitt

09:58:15 Kendall Cotton

09:59:05 Henry Kriegel

Opponent Testimony:

10:00:43 Jean Brandscum

Informational Witness Testimony:

10:03:31 Marcy Bough

Questions from Committee:

10:04:05 Rep. Steve Gist

10:08:24 Rep. Nelly Nicol

Closing Statement:

10:10:29 Sen. Greg Hertz (R), SD 12, closed the hearing on SB 101.

Discussion:

10:10:34 Sen. Greg Hertz-R

10:11:33 **Recessed**

10:13:30 **Reconvened**

HEARING ON SB 155 - Create occupational therapy licensure compact

Opening Statement:

10:13:34 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 155, Create occupational therapy licensure compact.

Discussion:

10:13:37 Sen. Kenneth Bogner-R

Proponent Testimony:

10:15:36 Molly Viall

10:19:53 Heather MacMonegly

10:23:28 Heather O'Hara

10:24:28 Amy Gramoljez

10:25:05 Molly Kimmel

Opponent Testimony:

None

Informational Witness Testimony:

10:29:21 Eric Strauss, Administrator, Dept. of Labor and Industry

Questions from Committee:

10:29:52 Rep. Steven Galloway

10:30:19 Eric Strauss

10:31:07 Chair Edward Buttrey

10:31:23 Sen. Kenneth Bogner-R

10:32:53 Eric Strauss

Closing Statement:

10:33:27 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 155.

Discussion:

10:33:48 Sen. Kenneth Bogner-R

HEARING ON SB 214 - Enact Audio and Speech-Language Pathology Interstate Compact

Opening Statement:

10:34:44 Sen. Edith (Edie) McClafferty (D), SD 38, opened the hearing on SB 214, Enact Audio and Speech-Language Pathology Interstate Compact.

Discussion:

10:35:43 Sen. Edith (Edie) McClafferty-D

Proponent Testimony:

10:38:08 Shelby Midvoe

10:43:28 Amy Grmoljez

10:44:05 Heather O'Hara

10:45:14 Abigail St. Laurence

Opponent Testimony:

None

Informational Witness Testimony:

10:47:10 Eric Strauss

Questions from Committee:

10:47:34 Chair Edward Buttrey

Closing Statement:

10:48:22 Sen. Edith (Edie) McClafferty (D), SD 38, closed the hearing on SB 214.

Discussion:

10:48:25 Sen. Edith (Edie) McClafferty-D

10:49:42 **Recessed**

EXECUTIVE ACTION ON HB 137 - Generally revise laws related to the board of behavioral health

11:15:49 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 137 TO TAKE FROM THE TABLE.**

11:15:49 **Vote:** Motion carried unanimously by voice vote.

11:16:10 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 137 DO PASS.**

11:16:10 **Vote:** Motion failed unanimously by voice vote.

11:19:54 **Motion:** Rep. Jonathan Karlen moved that **HB 137 BE AMENDED.**

11:19:54 **Vote:** Motion carried unanimously by voice vote.

11:20:13 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 137 DO PASS AS AMENDED.**

11:20:13 **Vote:** Motion carried 18 - 1 by voice vote with Rep. Zolnikov, voting no.

11:15:50 **Reconvened**

EXECUTIVE ACTION ON SB 21 - Revise laws related to alcohol fingerprint requirements

11:21:40 **Motion:** Rep. Kerri Seekins-Crowe moved that **SB 21 BE CONCURRED IN.**

11:21:40 **Vote:** Motion carried unanimously by voice vote.

11:21:40 **Carrier Assigned:** Rep. Edward Buttrey

EXECUTIVE ACTION ON SB 63 - Generally revise laws related to alcohol

11:25:39 **Motion:** Rep. Kerri Seekins-Crowe moved that **SB 63 BE CONCURRED IN.**

11:25:39 **Vote:** Motion carried unanimously by voice vote.

11:25:39 **Carrier Assigned:** Rep. Katie Zolnikov

EXECUTIVE ACTION ON SB 107 - Revising laws relating to civil liability for injuries involving alcohol

11:26:32 **Motion:** Rep. Kerri Seekins-Crowe moved that **SB 107 BE CONCURRED IN.**

11:26:32 **Vote:** Motion carried 16 - 3 by voice vote with Rep. Carter, Rep. Karlen, Rep. Sullivan, voting no.

11:26:32 **Carrier Assigned:** Rep. Edward Buttrey

ADJOURNMENT

Adjournment: 11:30:00

Macy McCauley, Secretary

Additional Documents: [EXHIBIT\(230317BUHaad\)](#)